

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN SENATE APRIL 27, 2009

SENATE BILL

No. 509

**Introduced by Committee on Education (Senators Romero (Chair),
Alquist, Hancock, Huff, Liu, Maldonado, Padilla, Simitian, and
Wyland)**

February 26, 2009

An act to amend Sections 17592.5 and 52165 of the Education Code, 47660, 52052, 52127, and 54026 of, and to repeal Sections 41857 and 47623 of, the Education Code, and to amend Section 53892.1 of the Government Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 509, as amended, Committee on Education. Education.

(1) Existing law authorizes the governing board of a school district to provide for the transportation of pupils to and from school by purchasing or renting vehicles, contracting and paying for the transportation of pupils to and from school by common carrier or municipally owned transit system, or contracting with and paying responsible private parties for the transportation. In each fiscal year, a school district or county office of education is entitled to receive the same transportation allowance that it received in the prior fiscal year, as calculated by the Superintendent of Public Instruction based on the approved costs of home-to-school transportation, as defined, of the district or county office.

This bill would repeal a provision specifying that a charter school is eligible for funding pursuant to those provisions.

(2) Under existing law, an elementary school that has been operated by the University of California at the Los Angeles campus prior to

January 1, 1994, may apply to become a charter school. Existing law specifies, if an elementary school petitions either the governing board of the local school district or the State Board of Education to become a charter school, that the school shall receive state apportionments equal to the statewide average revenue limit for elementary schools plus other specified funding.

This bill would repeal the provisions requiring the charter school to receive those funds.

(3) Existing law requires the Superintendent, with approval of the state board, to develop the Academic Performance Index (API) consisting of a variety of indicators currently reported to the State Department of Education to track the achievement of schools and their pupils. Statutory provisions establish a specific calculation for graduation rates to be included within the API and require the Superintendent to provide an annual report to the Legislature on graduation and dropout rates in California. Existing law requires the API to be used for specified purposes, including, but not limited to, ranking all public schools in the state for purposes of the High Achieving/Improving Schools Program.

This bill would include 5- and 6-year graduation rates in the indicators currently reported to the department for purposes of calculating a school's API. The bill would specify a formula to calculate these rates, and would provide that schools receive partial credit in their API scores for graduating pupils in 5 and 6 years, except that schools would be granted full credit for graduating in 5 or 6 years a pupil with disabilities who graduates in accordance with his or her individualized education program.

(4) Existing law authorizes the allocation of economic impact aid funding to support educationally disadvantaged youth programs and bilingual education, and requires the Superintendent to determine an economic impact aid-eligible pupil count and calculate an amount of economic impact aid for each school district. For charter schools that are funded through the block grant funding model, as specified, in the 2006–07 fiscal year, the department is required to use counts as of October 2006 of pupils 5 to 17 years of age, inclusive, who are living with families whose annual income is at or below the federal poverty guideline, as defined, without revision.

This bill would delete the provision specifying that it shall be without revision.

(5) Existing law requires the Superintendent to furnish the Controller with certain data no later than 6 months following the close of each fiscal year.

This bill would instead require the Superintendent to make certain data available on an as-needed basis.

(6) The bill would update and correct specified cross references.

~~Existing law establishes the Commission on Teacher Credentialing to issue teaching and services credentials, and to establish standards for the issuance and renewal of credentials, certificates, and permits. Existing law authorizes 2 or more school districts to enter into a joint powers agreement, as specified, for certain purposes.~~

~~This bill would make technical, nonsubstantive changes by updating a cross-reference to the commission, and by deleting an obsolete reference to the Joint Powers Central County Occupational Center and replacing it with a reference to the Metropolitan Education District.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17592.5 of the Education Code is
- 2 amended to read:
- 3 17592.5. The Joint Powers Southern California Regional
- 4 Occupational Center and the Metropolitan Education District, a
- 5 joint powers authority, shall be deemed to be school districts for
- 6 purposes of Sections 17582 to 17592, inclusive, and for the
- 7 purposes of Section 17584.
- 8 ~~SEC. 2. Section 52165 of the Education Code is amended to~~
- 9 ~~read:~~
- 10 ~~52165. Each pupil of limited English proficiency enrolled in~~
- 11 ~~the California public school system in kindergarten and grades 1~~
- 12 ~~to 12, inclusive, shall receive instruction in a language~~
- 13 ~~understandable to the pupil that recognizes the pupil's primary~~
- 14 ~~language and teaches the pupil English.~~
- 15 ~~(a) In kindergarten and grades 1 to 6, inclusive, the following~~
- 16 ~~shall apply:~~
- 17 ~~(1) If the language census indicates that any school of a school~~
- 18 ~~district has 10 or more pupils of limited English proficiency with~~
- 19 ~~the same primary language in the same grade level or 10 or more~~
- 20 ~~pupils of limited English proficiency with the same primary~~

language, in the same age group, and in a multigrade or ungraded instructional environment, the school district shall offer instruction pursuant to subdivision (a), (b), or (c) of Section 52163 for those pupils at the school. If there are pupils of limited English proficiency with different primary languages who do not otherwise satisfy the program requirements of subdivision (a), (b), or (c) of Section 52163 or of this subdivision, a language development specialist defined in subdivision (b) may be used.

(2) To the extent state or federal categorical funds are available, the services, as described in this paragraph, are required for pupils of limited English proficiency in concentrations of fewer than 10 per grade level. If there are fewer than 10 pupils of limited English proficiency in the same grade, but at least 20 pupils of limited English proficiency in the school with the same primary language, the school district shall provide at least one certified bilingual-crosseultural teacher or teachers on waiver as defined in Section 52178 or 52178.5 and an individualized instruction program as defined in subdivision (f) of Section 52163 for those pupils at the school. If the number of pupils of limited English proficiency in the school exceeds 45, the district shall provide two of those teachers. These teachers may be used as resource teachers or team teachers or to provide any other services to pupils of limited English proficiency as the district deems appropriate. These teachers shall be different teachers than those required pursuant to paragraph (1).

(b) The Legislature recognizes that in the past equal educational opportunities have not been fully available to secondary pupils of limited English proficiency. It is the intent of the Legislature to encourage school districts to offer a language learning program pursuant to subdivision (d) of Section 52163. Certified bilingual-crosseultural teachers or, if those teachers are not available, language development specialists assisted by a bilingual aide shall be qualified to provide instruction for those programs. Language development specialists shall be formally trained and competent in the field of English language learning, including second language acquisition and development, structure of modern English, and basic principles of linguistics, and shall meet the culture and methodology competencies established by subdivisions (b) and (c) of Section 44253.5. The Commission on Teacher Credentialing shall provide for the assessment of language

competencies specified in this section and shall modify existing culture and methodology competency for language development specialist to ensure that they meet the crosscultural and instructional methodologies for pupils being served by those teachers. A teacher of English to speakers of other languages certificate from a commission-approved teacher training institution of higher education that meets the criteria established by the commission pursuant to Section 44253.5 shall be accepted instead of the methodology requirement.

(e) In kindergarten and grades 1 to 12, inclusive, pupils of limited English proficiency who are not enrolled in a program described in subdivision (a), (b), (c), or (d) of Section 52163, shall be individually evaluated and shall receive educational services defined in subdivision (e) or (f), as appropriate, of Section 52163. These services shall be provided in consultation with the pupil and the parent, parents, or guardian of the pupil.

(d) As a part of its consolidated application for categorical program funds, each district receiving those funds shall include a specific plan indicating the ways in which the individual learning plans will meet the needs of pupils of limited English proficiency. The plan shall describe all of the following:

- (1) Procedures used in making the individual evaluation.
- (2) The pupils' levels of English and primary language proficiency and levels of educational performance.
- (3) Instructional objectives and scope of educational services to be provided.
- (4) Periodic evaluation procedures, using objective criteria, to determine whether the instructional objectives are being met.

SEC. 2. Section 41857 of the Education Code is repealed.

41857. A charter school is eligible for funding pursuant to, and shall comply with all requirements of, this article. For purposes of this article, a reference to a school district shall be deemed to also be a reference to a charter school.

SEC. 3. Section 47623 of the Education Code is repealed.

47623. If an elementary school petitions either the governing board of the local school district or the State Board of Education to become a charter school, as specified in Section 47621 or 47622, that school shall receive state apportionments equal to the statewide average revenue limit for elementary schools plus funding as

1 ~~specified in paragraphs (2) and (3) of subdivision (a) of Section~~
2 ~~47612.~~

3 *SEC. 4. Section 47660 of the Education Code is amended to*
4 *read:*

5 47660. (a) For purposes of computing eligibility for, and
6 entitlements to, general purpose funding and operational funding
7 for categorical programs, the enrollment and average daily
8 attendance of a sponsoring local educational agency shall exclude
9 the enrollment and attendance of pupils in its charter schools
10 funded pursuant to this chapter.

11 (b) (1) Notwithstanding subdivision (a), and commencing with
12 the 2005–06 fiscal year, for purposes of computing eligibility for,
13 and entitlements to, revenue limit funding, the average daily
14 attendance of a unified school district, other than a unified school
15 district that has converted all of its schools to charter status
16 pursuant to Section 47606, shall include all attendance of pupils
17 who reside in the unified school district and who would otherwise
18 have been eligible to attend a noncharter school of the school
19 district, if the school district was a basic aid school district in the
20 prior fiscal year, or if the pupils reside in the unified school district
21 and attended a charter school of that school district that converted
22 to charter status on or after July 1, 2005. Only the attendance of
23 the pupils described by this paragraph shall be included in the
24 calculation made pursuant to paragraph (7) of subdivision (h) of
25 Section 42238.

26 (2) Notwithstanding subdivision (a), for the 2005–06 fiscal year
27 only, for purposes of computing eligibility for, and entitlements
28 to, revenue limit funding, the average daily attendance of a unified
29 school district, other than a unified school district that has
30 converted all of its schools to charter status pursuant to Section
31 47606 and is operating them as charter schools, shall include all
32 attendance of pupils who reside in the unified school district and
33 who would otherwise have been eligible to attend a noncharter
34 school of the unified school district if the pupils attended a charter
35 school operating in the unified school district prior to July 1, 2005.
36 Only the attendance of pupils described by this paragraph shall be
37 included in the calculation made pursuant to Section 42241.3. The
38 attendance of the pupils described by this paragraph shall be
39 included in the calculation made pursuant to paragraph (7) of
40 subdivision (h) of Section 42238.

(c) Commencing with the 2005–06 fiscal year, for the attendance of pupils specified in subdivision (b), the general-purpose entitlement for a charter school that is established through the conversion of an existing public school within a unified school district on or after July 1, 2005, shall be determined using the following amount of general-purpose funding per unit of average daily attendance, in lieu of the amount calculated pursuant to subdivision (a) of Section 47633:

(1) The amount of the actual unrestricted revenues expended per unit of average daily attendance for that school in the year prior to its conversion to, and operation as, a charter school, adjusted for the base revenue limit per pupil inflation increase adjustment set forth in Section 42238.1, if this adjustment is provided, and also adjusted for equalization, deficit reduction, and other state general-purpose increases, if any, provided for the unified school district in the year of conversion to, and operation as a charter school.

(2) For a subsequent fiscal year, the general-purpose entitlement shall be determined based on the amount per unit of average daily attendance allocated in the prior fiscal year adjusted for the base revenue limit per pupil inflation increase adjustment set forth in Section 42238.1, if this adjustment is provided, and also adjusted for equalization, deficit reduction, and other state general-purpose increases, if any, provided for the unified school district in that fiscal year.

(d) Commencing with the 2005–06 fiscal year, the general-purpose funding per unit of average daily attendance specified for a unified school district for purposes of paragraph (7) of subdivision (h) of Section 42238 for a school within the unified school district that converted to charter status on or after July 1, 2005, shall be deemed to be the amount computed pursuant to subdivision (c).

(e) A unified school district that is the sponsoring local educational agency as defined in subdivision ~~(i)~~ (j) of Section 47632 of a charter school that is subject to the provisions of subdivision (c) shall certify to the Superintendent the amount specified in paragraph (1) of subdivision (c) prior to the approval of the charter petition by the governing board of the school district. This amount may be based on estimates of the unrestricted revenues expended in the fiscal year prior to the school's conversion to

1 charter status and the school's operation as a charter school,
2 provided that the amount is recertified when the actual data
3 becomes available.

4 (f) For the purposes of this section, "basic aid school district"
5 means a school district that does not receive from the state an
6 apportionment of state funds pursuant to subdivision (h) of Section
7 42238.

8 (g) A school district may use the existing Standardized Account
9 Code Structure and cost allocation methods, if appropriate, for an
10 accounting of the actual unrestricted revenues expended in support
11 of a school pursuant to subdivision (c).

12 (h) For purposes of this section and Section 42241.3, "operating"
13 means that pupils are attending, and receiving instruction at the
14 charter school.

15 *SEC. 5. Section 52052 of the Education Code is amended to*
16 *read:*

17 52052. (a) (1) The Superintendent, with approval of the state
18 board, shall develop an Academic Performance Index (API), to
19 measure the performance of schools, especially the academic
20 performance of pupils.

21 (2) A school shall demonstrate comparable improvement in
22 academic achievement as measured by the API by all numerically
23 significant pupil subgroups at the school, including:

24 (A) Ethnic subgroups.

25 (B) Socioeconomically disadvantaged pupils.

26 (C) English language learners.

27 (D) Pupils with disabilities.

28 (3) (A) For purposes of this section, a numerically significant
29 pupil subgroup is one that meets both of the following criteria:

30 (i) The subgroup consists of at least 50 pupils each of whom
31 has a valid test score.

32 (ii) The subgroup constitutes at least 15 percent of the total
33 population of pupils at a school who have valid test scores.

34 (B) If a subgroup does not constitute 15 percent of the total
35 population of pupils at a school who have valid test scores, the
36 subgroup may constitute a numerically significant pupil subgroup
37 if it has at least 100 valid test scores.

38 (C) For a school with an API score that is based on no fewer
39 than 11 and no more than 99 pupils with valid test scores,

1 numerically significant subgroups shall be defined by the
2 Superintendent, with approval by the state board.

3 (4) The API shall consist of a variety of indicators currently
4 reported to the department, including, but not limited to, the results
5 of the achievement test administered pursuant to Section 60640,
6 attendance rates for pupils in elementary schools, middle schools,
7 and secondary schools, and the graduation rates for pupils in
8 secondary schools.

9 (A) Graduation rates for pupils in secondary schools shall be
10 calculated for the API as follows:

11 (i) ~~The Four-year graduation rates shall be calculated by taking~~
12 number of pupils who graduated on time for the current school
13 year, which is considered to be three school years after the pupils
14 entered grade 9 for the first time, ~~divided and dividing that number~~
15 by the total calculated in clause (ii).

16 (ii) The number of pupils entering grade 9 for the first time in
17 the school year three school years prior to the current school year,
18 plus the number of pupils who transferred into the class graduating
19 at the end of the current school year between the school year that
20 was three school years prior to the current school year and the date
21 of graduation, less the number of pupils who transferred out of the
22 school between the school year that was three school years prior
23 to the current school year and the date of graduation who were
24 members of the class that is graduating at the end of the current
25 school year.

26 (iii) ~~Five-year graduation rates shall be calculated by taking~~
27 ~~the number of pupils who graduated on time for the current school~~
28 ~~year, which is considered to be four school years after the pupils~~
29 ~~entered grade 9 for the first time, and dividing that number by the~~
30 ~~total calculated in clause (iv).~~

31 (iv) ~~The number of pupils entering grade 9 for the first time in~~
32 ~~the school year four years prior to the current school year; plus~~
33 ~~the number of pupils who transferred into the class graduating at~~
34 ~~the end of the current school year between the school year that~~
35 ~~was four school years prior to the current school year and the date~~
36 ~~of graduation, less the number of pupils who transferred out of~~
37 ~~the school between the school year that was four years prior to~~
38 ~~the current school year and the date of graduation who were~~
39 ~~members of the class that is graduating at the end of the current~~
40 ~~school year.~~

1 (v) Six-year graduation rates shall be calculated by taking the
2 number of pupils who graduated on time for the current school
3 year, which is considered to be five school years after the pupils
4 entered grade 9 for the first time, and dividing that number by the
5 total calculated in clause (vi).

6 (vi) The number of pupils entering grade 9 for the first time in
7 the school year five years prior to the current school year, plus
8 the number of pupils who transferred into the class graduating at
9 the end of the current school year between the school year that
10 was five school years prior to the current school year and the date
11 of graduation, less the number of pupils who transferred out of
12 the school between the school year that was five years prior to the
13 current school year and the date of graduation who were members
14 of the class that is graduating at the end of the current school year.

15 (B) The inclusion of five- and six-year graduation rates for
16 pupils in secondary schools shall meet the following requirements:

17 (i) Schools shall be granted one-half the credit in their API
18 scores for graduating pupils in five years that they are granted for
19 graduating pupils in four years.

20 (ii) Schools shall be granted one-quarter the credit in their API
21 scores for graduating pupils in six years that they are granted for
22 graduating pupils in four years.

23 (iii) Notwithstanding clauses (i) and (ii), schools shall be
24 granted full credit in their API scores for graduating in five or six
25 years a pupil with disabilities who graduates in accordance with
26 his or her individualized education program (IEP).

27 ~~(B)~~

28 (C) The pupil data collected for the API that comes from the
29 achievement test administered pursuant to Section 60640 and the
30 high school exit examination administered pursuant to Section
31 60851, when fully implemented, shall be disaggregated by special
32 education status, English language learners, socioeconomic status,
33 gender, and ethnic group. Only the test scores of pupils who were
34 counted as part of the enrollment in the annual data collection of
35 the California Basic Educational Data System for the current fiscal
36 year and who were continuously enrolled during that year may be
37 included in the test result reports in the API score of the school.
38 Results of the achievement test and other tests specified in
39 subdivision (b) shall constitute at least 60 percent of the value of
40 the index.

1 ~~(C)~~

2 (D) Before including high school graduation rates and attendance
3 rates in the API, the Superintendent shall determine the extent to
4 which the data currently are reported to the state and the accuracy
5 of the data. Notwithstanding any other provision of law, graduation
6 rates for pupils in dropout recovery high schools shall not be
7 included in the API. For purposes of this subparagraph, “dropout
8 recovery high school” means a high school in which 50 percent
9 or more of its pupils have been designated as dropouts pursuant
10 to the exit/withdrawal codes developed by the department.

11 ~~(D)~~

12 (E) The Superintendent shall provide an annual report to the
13 Legislature on the graduation and dropout rates in California and
14 shall make the same report available to the public. The report shall
15 be accompanied by the release of publicly accessible data for each
16 school district and school in a manner that provides for
17 disaggregation based upon socioeconomically disadvantaged pupils
18 and numerically significant subgroups scoring below average on
19 statewide standards-aligned assessments. In addition, the data shall
20 be made available in a manner that provides for comparisons of a
21 minimum of three years of data.

22 (b) Pupil scores from the following tests, when available and
23 when found to be valid and reliable for this purpose, shall be
24 incorporated into the API:

25 (1) The standards-based achievement tests provided for in
26 Section 60642.5.

27 (2) The high school exit examination.

28 (c) Based on the API, the Superintendent shall develop, and the
29 state board shall adopt, expected annual percentage growth targets
30 for all schools based on their API baseline score from the previous
31 year. Schools are expected to meet these growth targets through
32 effective allocation of available resources. For schools below the
33 statewide API performance target adopted by the state board
34 pursuant to subdivision (d), the minimum annual percentage growth
35 target shall be 5 percent of the difference between the actual API
36 score of a school and the statewide API performance target, or one
37 API point, whichever is greater. Schools at or above the statewide
38 API performance target shall have, as their growth target,
39 maintenance of their API score above the statewide API
40 performance target. However, the state board may set differential

1 growth targets based on grade level of instruction and may set
2 higher growth targets for the lowest performing schools because
3 they have the greatest room for improvement. To meet its growth
4 target, a school shall demonstrate that the annual growth in its API
5 is equal to or more than its schoolwide annual percentage growth
6 target and that all numerically significant pupil subgroups, as
7 defined in subdivision (a), are making comparable improvement.

8 (d) Upon adoption of state performance standards by the state
9 board, the Superintendent shall recommend, and the state board
10 shall adopt, a statewide API performance target that includes
11 consideration of performance standards and represents the
12 proficiency level required to meet the state performance target.
13 When the API is fully developed, schools, at a minimum, shall
14 meet their annual API growth targets to be eligible for the
15 Governor's Performance Award Program as set forth in Section
16 52057. The state board may establish additional criteria that schools
17 must meet to be eligible for the Governor's Performance Award
18 Program.

19 (e) The API shall be used for both of the following:

20 (1) Measuring the progress of schools selected for participation
21 in the Immediate Intervention/Underperforming Schools Program
22 pursuant to Section 52053.

23 (2) Ranking all public schools in the state for the purpose of the
24 High Achieving/Improving Schools Program pursuant to Section
25 52056.

26 (f) (1) A school with 11 to 99 pupils with valid test scores shall
27 receive an API score with an asterisk that indicates less statistical
28 certainty than API scores based on 100 or more test scores.

29 (2) A school annually shall receive an API score, unless the
30 Superintendent determines that an API score would be an invalid
31 measure of the performance of the school for one or more of the
32 following reasons:

33 (A) Irregularities in testing procedures occurred.

34 (B) The data used to calculate the API score of the school are
35 not representative of the pupil population at the school.

36 (C) Significant demographic changes in the pupil population
37 render year-to-year comparisons of pupil performance invalid.

38 (D) The department discovers or receives information indicating
39 that the integrity of the API score has been compromised.

1 (E) Insufficient pupil participation in the assessments included
2 in the API.

3 (3) If a school has fewer than 100 pupils with valid test scores,
4 the calculation of the API or adequate yearly progress pursuant to
5 the federal No Child Left Behind Act of 2001 (20 U.S.C. Sec. 6301
6 et seq.) and federal regulations may be calculated over more than
7 one annual administration of the tests administered pursuant to
8 Section 60640 and the high school exit examination administered
9 pursuant to Section 60851, consistent with regulations adopted by
10 the state board.

11 (g) Only schools with 100 or more test scores contributing to
12 the API may be included in the API rankings.

13 (h) The Superintendent, with the approval of the state board,
14 shall develop an alternative accountability system for schools under
15 the jurisdiction of a county board of education or a county
16 superintendent of schools, community day schools, nonpublic,
17 nonsectarian schools pursuant to Section 56366, and alternative
18 schools serving high-risk pupils, including continuation high
19 schools and opportunity schools. Schools in the alternative
20 accountability system may receive an API score, but shall not be
21 included in the API rankings.

22 *SEC. 6. Section 52127 of the Education Code is amended to*
23 *read:*

24 52127. (a) As a condition to receiving ~~any~~ *an* apportionment
25 pursuant to Section ~~51726~~ 52126, school districts shall have a staff
26 development program that requires ~~any~~ *a* certificated teacher who
27 will provide direct instructional services for a class participating
28 in the school district's class size reduction program to receive the
29 appropriate training necessary to maximize the educational
30 advantages of class size reduction. This training shall include, but
31 not be limited to, methods for providing each of the following:

32 (1) Individualized instruction.

33 (2) Effective teaching, including classroom management, in
34 smaller classes.

35 (3) Identifying and responding to pupil needs.

36 (4) Opportunities to build on the individual strengths of pupils.

37 (b) School districts may use funds currently received for staff
38 development or funds received under this chapter to meet the
39 requirements of this section.

1 *SEC. 7. Section 54026 of the Education Code is amended to*
2 *read:*

3 54026. For purposes of this article, the following definitions
4 apply:

5 (a) “Economically disadvantaged pupils” means either of the
6 following, whichever is applicable:

7 (1) Pupils described in Section 101 of Title I of the federal No
8 Child Left Behind Act of 2001 (20 U.S.C. Sec. 6333(c)(1)(A)(B)).
9 Counts of the pupils described in this paragraph shall be the counts
10 used in the current year apportionment calculations for purposes
11 of Title I of the federal No Child Left Behind Act of 2001 (20
12 U.S.C. Sec. 6301 et seq.).

13 (2) (A) Notwithstanding paragraph (1), for a small school
14 district, the product of the number of pupils eligible for
15 participation in the free meals program for the prior fiscal year, as
16 defined in subdivision (d), and the free meals adjustment factor.
17 The free meals adjustment factor is the quotient, rounded to two
18 decimal places, resulting from dividing the statewide total of
19 economically disadvantaged pupils as defined in paragraph (1) by
20 the statewide total of pupils eligible for participation in the free
21 meals program for the prior fiscal year, as defined in subdivision
22 (d).

23 (B) Notwithstanding paragraph (1) or subparagraph (A), for
24 charter schools that are funded through the block grant funding
25 model pursuant to Article 2 (commencing with Section 47633) of
26 Chapter 6 of Part 26.8 in the 2006–07 fiscal year, the department
27 shall use counts as of October 2006 of pupils—~~ages~~ 5 to 17 years
28 of age, inclusive, who are living with families whose annual income
29 is at or below the federal poverty guideline, as collected through
30 the first principal apportionment data collection process, as defined
31 in Section 41601, ~~without revision~~. Commencing in the 2007–08
32 fiscal year, the Superintendent shall use counts as of October of
33 the prior year of pupils—~~ages~~ 5 to 17 years of age, inclusive, who
34 are living with families whose annual income is at or below the
35 federal poverty guideline, as collected through the first principal
36 apportionment data collection process, as defined in Section 41601,
37 without revision. For purposes of this subdivision, the department
38 may use in the first year of operation of a charter school that is
39 established on or after July 1, 2007, the current year counts of
40 pupils—~~ages~~ 5 to 17 years of age, inclusive, who are living with

families whose annual income is at or below the federal poverty guideline.

(C) The Superintendent may expand upon an existing process of collecting free or reduced price meal data in order to collect from small districts, as defined in subdivision (c), counts of pupils living with families whose annual income is at or below the federal poverty guideline.

(b) “English learner” means a pupil described in subdivision (a) of Section 306 or identified as a pupil of limited English proficiency, as that term is defined in subdivision (m) of Section 52163. Counts of the pupils described in this subdivision shall be the counts reported in the prior year language census.

(c) “Small school district” means a school district that has an annual enrollment of less than 600 pupils based on prior school year CBEDS data and is, for the purposes of this section, designated a rural school by the Superintendent based on the appropriate school locale codes, as used by the National Center for Education Statistics of the United States Department of Education.

(d) “Free meals” means the aggregate number of pupils meeting the income eligibility guidelines established by the federal government for free meals as reported for all schools for which the district is the authorizing agency.

(e) For purposes of subparagraph (B) of paragraph (2) of subdivision (a), the count of economically disadvantaged pupils for a charter school that is operated pursuant to Section 47612.1 shall be calculated without regard to the age of the pupil. A pupil who resides in program housing shall be considered a family of one.

SEC. 8. Section 53892.1 of the Government Code is amended to read:

53892.1. For the purpose of permitting the compilation and publication of annual reports of the financial transactions of school districts by the Controller, the Superintendent of Public Instruction shall ~~furnish~~ *make available* to the Controller, ~~not later than six months following the close of each fiscal year, such~~ *on an as-needed basis*, data and other matters ~~as are~~ required by this article by the Controller. The Superintendent of Public Instruction shall derive the data and other matters required for the purposes of this article by the Controller from reports furnished by school

1 districts or by county officials to the Superintendent of Public
2 Instruction as provided by law. No school district or county
3 superintendent of schools shall be required to furnish separate
4 reports to the Controller by the provisions of this article. The
5 Superintendent of Public Instruction shall furnish average daily
6 attendance or enrollment data in lieu of the general population data
7 required of counties and other municipal corporations by this
8 article. The Superintendent of Public Instruction shall add to the
9 report forms furnished by him ~~such~~ *or her* items or ~~such~~ other
10 matters as may be agreed by the Superintendent of Public
11 Instruction and the Controller to be needed for the purposes of this
12 article.

O